

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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RAMON MURIC-DORADO,
Plaintiff,

v.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT, et al,
Defendants.

Case No. 2:18-cv-01184-JCM-EJY

ORDER

Presently before the Court is Defendants Bryce Walford and Tanya Vai's Motion to Strike Plaintiff's Reply to LVMPD Defendants' Counterclaim Contained Within Defendants' Answer. ECF No. 151.

The Court retains the inherent power to strike scandalous, impertinent, scurrilous, and/or irrelevant briefs and pleadings from its docket. *Atchison, Topeka & Santa Fe Ry. v. Hercules, Inc.*, 146 F.3d 1071, 1074 (9th Cir. 1988); *see also Carrigan v. Cal. State Legislature*, 263 F.2d 560, 564 (9th Cir. 1959). "While courts typically disfavor motions to strike, a court may grant a motion to strike if the matter to be stricken could have no possible bearing on the subject matter on the litigation." *Almy v. Davis*, No. 2:12-cv-00129-JCM-VCF, 2014 WL 773813, at *5 (D. Nev. Feb. 25, 2014) (internal citation and quotation marks omitted). In addition, a document not allowed by the Federal Rules of Civil Procedure or otherwise permitted by order of this Court is a "fugitive document and must be stricken from the record." *Reiger v. Nevens*, No. 3:12-cv-00218-MM-VPC, 2014 WL 537613, at *3 (D. Nev. Feb. 7, 2014). Whether to grant a motion to strike lies within the discretion of the district court. *Whittlestone, Inc. v. Handi-Craft Co.*, 618 F.3d 970, 973 (9th Cir. 2010).

Here, Defendants ask the Court to strike Plaintiff's Notice of Two Filed Motions (ECF No. 147), which Plaintiff refers to as a "Reply" to Defendants' "Counterclaim contained within [their] Answer" to the Complaint (ECF No. 149 at 1). As Defendants point out Federal Rule of Civil Procedure 7(a) provides that the only pleadings allowed are a complaint, an answer to a complaint,

1 an answer to a counterclaim designated as a counterclaim, an answer to a crossclaim, a third-party
2 complaint, an answer to a third-party complaint, and—if the Court orders one—a reply to an answer.
3 Here, Defendants did not designate any counterclaims in their Answer; rather, they raised affirmative
4 defenses to Plaintiff's claims. ECF No. 139 at 9-12. The Court also did not order Plaintiff to file a
5 reply to Defendants' Answer.

6 Considering the above, Plaintiff's Notice is a fugitive document and shall be struck from the
7 record. *Reiger*, 2014 WL 537613, at *3.

8 Accordingly,

9 IT IS HEREBY ORDERED that Defendants' Motion to Strike Plaintiff's Reply to LVMPD
10 Defendants' Counterclaim Contained Within Defendants' Answer (ECF No. 151) is GRANTED.

11 IT IS FURTHER ORDERED that Plaintiff's Notice of Two Filed Motions (ECF No. 149) is
12 STRUCK from the record.

13 DATED THIS 11th day of March, 2021.

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ELAYNA J. YOUCHAK
UNITED STATES MAGISTRATE JUDGE